

# Senate Study Bill 1152 - Introduced

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
AGRICULTURE BILL BY  
CHAIRPERSON ZUMBACH)

## A BILL FOR

1 An Act relating to wind energy conversion facilities and making  
2 penalties applicable.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1     Section 1.   NEW SECTION.   476.50   Wind energy conversion  
2 facilities.

3     1. As used in this section, unless the context otherwise  
4 requires:

5     *a. "Landowner"* means the owner of the real property  
6 containing an easement for a wind energy conversion facility or  
7 a mortgagee or vendee in possession of the real property, an  
8 assignee of rents, or a receiver, executor, trustee, lessee, or  
9 other person in control of the real property.

10    *b. "Wind energy conversion facility"* means any device  
11 that converts wind energy to a form of usable energy and all  
12 structural and mechanical components of the device, including  
13 a wind charger, windmill, wind turbine, tower and electrical  
14 equipment, pad mount transformers, power lines, and substation.

15    2. All of the following conditions must be satisfied prior  
16 to the construction of a wind energy conversion facility in  
17 this state:

18    *a.* The owner or operator of the wind energy conversion  
19 facility must provide to the landowner financial assurance in  
20 the form of a bond, irrevocable letter of credit, or other  
21 assurance satisfactory to the landowner to cover the cost of  
22 restoring the landowner's property containing an easement for  
23 the construction and operation of the wind energy conversion  
24 facility to the same condition as it was prior to such  
25 construction and operation.

26    *b.* The financial assurance provided pursuant to paragraph  
27 "*a*" must not be less than one hundred thousand dollars for each  
28 wind energy conversion facility constructed on the landowner's  
29 property.

30    *c.* The owner or operator of the wind energy conversion  
31 facility and the landowner must stipulate in writing to the  
32 location and dimensions of the easement to be used for the  
33 construction and operation of the wind energy conversion  
34 facility and the condition of the landowner's property prior  
35 to construction, including the soil quality and subsurface

1 features of the property, crop suitability ratings of the  
2 property, and other aspects of the property the owner or  
3 operator and landowner believe are pertinent to the property's  
4 existing and potential future uses.

5 3. Upon the cessation of operation of the wind energy  
6 conversion facility, the owner or operator of the facility  
7 shall restore the landowner's property to the same condition as  
8 it was prior to construction and operation, including restoring  
9 the property's surface and subsurface soil, drainage or other  
10 facilities, and vegetation.

11 4. Notwithstanding subsection 3, an owner or operator may  
12 repair or replace a wind energy conversion facility within six  
13 months after the cessation of operation of the facility if the  
14 repair or replacement is authorized by the easement governing  
15 the wind energy conversion facility or by any applicable law  
16 or ordinance.

17 EXPLANATION

18 The inclusion of this explanation does not constitute agreement with  
19 the explanation's substance by the members of the general assembly.

20 This bill relates to wind energy conversion facilities.

21 The bill defines "landowner" as the owner of the real  
22 property containing an easement for a wind energy conversion  
23 facility or a mortgagee or vendee in possession of the real  
24 property, an assignee of rents, or a receiver, executor,  
25 trustee, lessee, or other person in control of the real  
26 property. Additionally, the bill defines "wind energy  
27 conversion facility" as any device that converts wind energy  
28 to a form of usable energy and all structural and mechanical  
29 components of the device, including a wind charger, windmill,  
30 wind turbine, tower and electrical equipment, pad mount  
31 transformers, power lines, and substation.

32 The bill requires that, prior to the construction of a wind  
33 energy conversion facility in this state, three conditions  
34 must be satisfied: the owner or operator of the facility must  
35 provide to the landowner financial assurance to cover the cost

1 of restoring the landowner's property to the same condition as  
2 it was prior to the construction and operation of the facility;  
3 the financial assurance must not be less than \$100,000 for each  
4 facility constructed on the landowner's property; and the owner  
5 or operator of the facility and the landowner must stipulate  
6 in writing to certain characteristics of the easement, as  
7 enumerated in the bill.

8     The bill provides that upon the cessation of operation of  
9 a facility, the owner or operator shall restore the property  
10 used in the construction and operation of the facility to  
11 the same condition as it was prior to the construction and  
12 operation. The bill authorizes an owner or operator of a  
13 facility to repair or replace a facility within six months  
14 after its cessation of operation if the repair or replacement  
15 is authorized by the easement governing the facility or by any  
16 applicable law or ordinance.